

RESOLUTION NO. 4193

AUTHORIZING AND DIRECTING CONDEMNATION
OF REAL PROPERTY FOR STREET WIDENING
AND PUBLIC UTILITY PURPOSES

BE IT RESOLVED by the Council of the City of Lodi
as follows:

The Council of the City of Lodi finds, determines,
and hereby declares:

1. That the public interest, necessity, and convenience require the acquisition, construction, and completion of a public improvement, to-wit: street widening, and utility services on and across certain real property located on West Lodi Avenue, between Ham Lane and Avena Avenue, in the City of Lodi, County of San Joaquin, State of California.
2. That the real property hereinafter described is suitable, adaptable, necessary, and required for the public use of said City of Lodi, as hereinabove set forth.
3. The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
4. That the City of Lodi acquire the herein- after described real property for street widening and other utility services, by donation, purchase, or by condemnation in accordance with the provisions of the Code of Civil Procedure of the State of California relating to eminent domain. That the City Attorney is hereby authorized to prosecute in the name of the City of Lodi, any and all actions or proceedings required to acquire the necessary land and/or to fix the compensation to be paid for property damage resulting from the construction and maintenance of said improvements; and in the absence of a satisfactory price agreement with the owner of the land, the City Attorney is hereby directed to immediately commence proceedings under Title Seven, Part Three of the Code of Civil Procedure of the State of California to condemn the property hereinafter described for the purpose of taking said land for the public use of said City as hereinabove set forth.

5. To acquire in the name of the City of Lodi, a fee simple estate in and to the said hereinafter described real property by Condemnation in accordance with the provisions of the Streets and Highways Code, Code of Civil Procedure, and the Constitution of California relating to eminent domain.

6. To make application to a Court of competent jurisdiction for an order fixing the amount of such security in the way of money deposits as said Court may direct, and for an order permitting said City of Lodi to take immediate possession and use of said property, or interest in real property, or existing improvements for the public use as hereinabove set forth; to make deposit of such security or monies in such amount so fixed and determined and in such manner as said Court in which said condemnation proceedings are pending may direct.

7. The real property, or interest in real property which the City of Lodi is by this Resolution authorized to acquire for said public improvements are situate in the City of Lodi, County of San Joaquin, State of California, and is more particularly described as follows:

PARCEL ONE:

South 25 feet of Lot Numbered 31 and all of Lot **33**, as shown upon Map entitled Subdivision No. 2 HUTCHINS HOMESTEAD ADDITION, filed for record August 1, 1935 in **Vol. 11** of Maps **and** Plats, Page 13, San Joaquin County Records.

EXCEPT the South 5 feet of said Lot 33 described in the Deed to City of Lodi recorded April 25, 1955 in Book 1753 Page 154, Official Records, San Joaquin County Records.

PARCEL TWO:

Lot 34, HUTCHINS HOMESTEAD #2, according to the Official Map or Plat thereof filed for record August 1, 1935 in Book of Maps and Plats Vol. 11, Page 13, San Joaquin County Records.

EXCEPT the South 5 1/2 feet thereof as conveyed to City of Lodi by Deed

recorded May 28, 1958 in Vol. 2071
of Official Records, Page 225, San
Joaquin County Records.

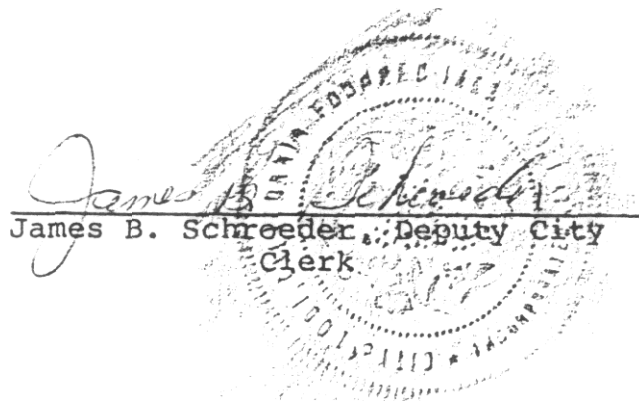
DATED: April 28, 1976.

I hereby certify that the foregoing Resolution **was**
passed and adopted by the City Council of the City of
Lodi in regular meeting held April **28**, 1976, by the
following vote:

AYES : Councilmen SCHAFFER, HUGHES, EHRHARDT,
KATNICH, and PINKERTON

NOES : Councilmen - None

ABSENT: Councilmen - None


James B. Schroeder, Deputy City
Clerk

The foregoing document is
certified to be a correct
copy of the original on
file in this office.


JAMES B. SCHROEDER
Deputy City Clerk, City of Lodi

Dated: April 28, 1976